

This action arises from a sale of real estate by auction. Plaintiffs, the high bidders on the property, sued the auctioneer and the real estate broker, alleging professional negligence in conducting the auction, misrepresentation, and violation of the Tennessee Consumer Protection Act. The trial court granted the Defendants' motion for dismissal of the complaint for failure to state a claim upon which relief can be granted, pursuant to Tenn. R. Civ. P. 12.02(6), and the Plaintiffs appeal. After careful review, we affirm the trial court's dismissal of Plaintiffs' cause of action based on misrepresentation and alleged violation of the Consumer Protection Act, but vacate the dismissal of the claim for professional negligence, and remand for trial.